

**REMARKS/ARGUMENTS**

Claims 23, 24, 28 and 30-36 stand in the present application, claims 23, 28 and 32 having been amended. Applicant notes with appreciation the Examiner's indication of allowable subject matter in claims 30-31, 33 and 35, but respectfully submits that in view of the above amendments and the following remarks that all of the claims standing in the application are in condition for allowance.

In the Office Action, the Examiner has rejected claims 28, 32, 34 and 36 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. More particularly, the Examiner states that claims 28 and 32 are unclear as to how many layers are defined by the phrase "other layers." As noted above, Applicants have amended claims 38 and 32 to obviate the phrase "other layers." Accordingly, in view of the amendment of these claims the Examiner's § 112, second paragraph, rejection of claims 28, 32, 34 and 36 is believed to have been overcome.

The Examiner has also rejected claims 23-24 and 28 under 35 U.S.C. § 102(b) as being anticipated by Ogata et al. In view of the above-described claim amendments to claims 23 and 28, the Examiner's § 102 rejection of the claims is believed to have been overcome, as will be described in greater detail below.

Claims 23 and 28 have been amended to more clearly recite that the upper electrode is only directly laminated on one side of the uppermost layer and that the lower electrode is only laminated to one side of the lowermost layer. Applicant has also

emphasized that the intermediate layer does not directly contact the lower electrode or the upper electrode.

It is respectfully submitted that the claims as amended patentably define over the Ogata et al. reference in which the Examiner argues that a single upper layer with large and small crystalline grains constitutes two separate layers. Since Ogata et al. clearly shows that the upper electrode contacts both what the Examiner is referring to as an uppermost layer and an intermediate layer, it cannot read onto the claims as amended which now more clearly recite that the intermediate layer of Applicant's invention does not directly contact either the upper or lower electrodes.

This structure is an important feature of Applicant's invention in that it provides an improvement in the electrical and ferroelectric characteristics of the ferroelectric capacitor by controllably restraining crystal grains in the lowest (i.e. seed) layer and/or the uppermost layer from growing coarsely. The Ogata et al. reference simply does not disclose or even suggest this claimed structure or effect of the present invention.

Therefore, in view of the above amendments and remarks, it is respectfully requested that the application be reconsidered and that all of claims 23, 24, 28 and 30-36, standing in the application, be allowed and that the case be passed to issue. If there are any other issues remaining which the Examiner believes could be resolved through either a supplemental response or an Examiner's amendment, the Examiner is

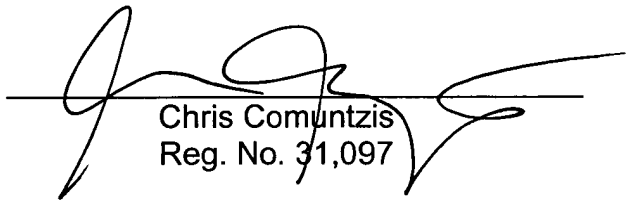
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respectfully requested to contact the undersigned at the local telephone exchange indicated below.

Respectfully submitted,

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